

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

March 24 2010

DA 09-0556 and DA 09-0605

FILED

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MAR 24 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

DONNIE MACK SELLERS,

Defendant and Appellant.

Appellant Donnie Mack Sellers has petitioned for the removal of the Office of the Appellant Defender (OAD) as his counsel in the two above-referenced appeals. Attorney Colin M. Stephens has appeared for the limited purpose of representing Sellers on his petition to remove the OAD, and has filed a brief on Sellers' behalf. Upon our order, the OAD has filed a response opposing Sellers' request.

On March 4, 2010, Sellers filed a pro se motion to remove Stephens as his counsel. However, on March 18, Stephens filed a "Notice to Court and all Parties" explaining that Sellers' motion was based upon misinformation, and that Sellers has now expressed his desire that Stephens remain as his counsel of record. Thus, Sellers' motion to remove Stephens is DENIED as moot.

Further, pursuant to the Internal Operating Rules of this Court, Sellers' petition to remove the OAD as his counsel in these appeals is classified for oral argument before the Court sitting en banc and is hereby set for argument on Wednesday, April 21, 2010 at 1:30 p.m. in the courtroom of the Montana Supreme Court, Justice Building, Helena, Montana. Pursuant to M. R. App. P. 17(3), oral argument times shall be 25 minutes for Sellers, who is deemed to be the "appellant" for purposes of this argument, and 20 minutes for the OAD.

The Clerk is directed to serve a copy hereof to all counsel of record.

DATED this 24th day of March, 2010.

Jim Rie
M. M. Rie
Michael Rie
James
W. William Rie
Brian Rie

Justices